

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

SUZANN BEIHL SUTTON
247 S. Ribera Drive
Santa Barbara, CA 93111
Registered Nurse License No. 445759

Respondent.

Case No. 2002-158

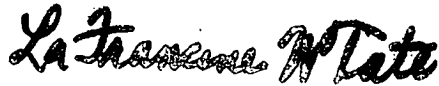
OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 7, 2008

It is so ORDERED August 8, 2008.



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2581
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6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2002-158

12 SUZANN BEIHL SUTTON
13 247 S. Ribera Drive
Santa Barbara, CA 93111
14 Registered Nurse License No. 445759

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Kimberlee D. King, Deputy Attorney General.

24 2. Respondent Suzann Beihl Sutton (Respondent) is representing herself in
25 this proceeding and has chosen not to exercise her right to be represented by counsel..

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3. On or about August 31, 1989, the Board of Registered Nursing issued Registered Nurse License No. 445759 to Suzann Beihl Sutton. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in the Petition to Revoke Probation No. 2002-158 and will expire on October 31, 2008, unless renewed.

JURISDICTION

4. Petition to Revoke Probation No. 2002-158 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on August 21, 2007. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 2002-158 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 2002-158. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Petition to Revoke Probation No. 2002-158.

///

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 445759 issued to Respondent Suzann Beihl Sutton is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid

1 and enforceable to the fullest extent permitted by law.

2 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
3 A full and detailed account of any and all violations of law shall be reported by Respondent to
4 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
5 compliance with this condition, Respondent shall submit completed fingerprint forms and
6 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
7 as part of the licensure application process.

8 2. **Comply with the Board's Probation Program.** Respondent shall fully
9 comply with the conditions of the Probation Program established by the Board and cooperate
10 with representatives of the Board in its monitoring and investigation of the Respondent's
11 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
12 within no more than 15 days of any address change and shall at all times maintain an active,
13 current license status with the Board, including during any period of suspension.

14 Upon successful completion of probation, Respondent's license shall be fully
15 restored.

16 3. **Report in Person.** Respondent, during the period of probation, shall
17 appear in person at interviews/meetings as directed by the Board or its designated
18 representatives.

19 4. **Residency, Practice, or Licensure Outside of State.** Periods of
20 residency or practice as a registered nurse outside of California shall not apply toward a reduction
21 of this probation time period. Respondent's probation is tolled, if and when she resides outside
22 of California. Respondent must provide written notice to the Board within 15 days of any change
23 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
24 returning to practice in this state.

25 Respondent shall provide a list of all states and territories where she has ever been
26 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
27 provide information regarding the status of each license and any changes in such license status
28 during the term of probation. Respondent shall inform the Board if she applies for or obtains a

1 new nursing license during the term of probation.

2 **5. Submit Written Reports.** Respondent, during the period of probation,
3 shall submit or cause to be submitted such written reports/declarations and verification of actions
4 under penalty of perjury, as required by the Board. These reports/declarations shall contain
5 statements relative to Respondent's compliance with all the conditions of the Board's Probation
6 Program. Respondent shall immediately execute all release of information forms as may be
7 required by the Board or its representatives.

8 Respondent shall provide a copy of this Decision to the nursing regulatory agency
9 in every state and territory in which she has a registered nurse license.

10 **6. Function as a Registered Nurse.** Respondent, during the period of
11 probation, shall engage in the practice of registered nursing in California for a minimum of 24
12 hours per week for 6 consecutive months or as determined by the Board.

13 For purposes of compliance with the section, "engage in the practice of registered
14 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
15 work in any non-direct patient care position that requires licensure as a registered nurse.

16 The Board may require that advanced practice nurses engage in advanced practice
17 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
18 Board.

19 If Respondent has not complied with this condition during the probationary term,
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may
22 grant an extension of Respondent's probation period up to one year without further hearing in
23 order to comply with this condition. During the one year extension, all original conditions of
24 probation shall apply.

25 **7. Employment Approval and Reporting Requirements.** Respondent
26 shall obtain prior approval from the Board before commencing or continuing any employment,
27 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
28 performance evaluations and other employment related reports as a registered nurse upon request

1 of the Board.

2 Respondent shall provide a copy of this Decision to her employer and immediate
3 supervisors prior to commencement of any nursing or other health care related employment.

4 In addition to the above, Respondent shall notify the Board in writing within
5 seventy-two (72) hours after she obtains any nursing or other health care related employment.
6 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
7 terminated or separated, regardless of cause, from any nursing, or other health care related
8 employment with a full explanation of the circumstances surrounding the termination or
9 separation.

10 8. **Supervision.** Respondent shall obtain prior approval from the Board
11 regarding Respondent's level of supervision and/or collaboration before commencing or
12 continuing any employment as a registered nurse, or education and training that includes patient
13 care.

14 Respondent shall practice only under the direct supervision of a registered nurse
15 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
16 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
17 are approved.

18 Respondent's level of supervision and/or collaboration may include, but is not
19 limited to the following:

20 (a) Maximum - The individual providing supervision and/or collaboration is
21 present in the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration is in
23 the patient care unit or in any other work setting at least half the hours Respondent works.

24 (c) Minimum - The individual providing supervision and/or collaboration has
25 person-to-person communication with Respondent at least twice during each shift worked.

26 (d) Home Health Care - If Respondent is approved to work in the home health
27 care setting, the individual providing supervision and/or collaboration shall have person-to-
28 person communication with Respondent as required by the Board each work day. Respondent

1 shall maintain telephone or other telecommunication contact with the individual providing
2 supervision and/or collaboration as required by the Board during each work day. The individual
3 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
4 site visits to patients' homes visited by Respondent with or without Respondent present.

5 **9. Employment Limitations.** Respondent shall not work for a nurse's
6 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
7 traveling nurse, or for an in-house nursing pool.

8 Respondent shall not work for a licensed home health agency as a visiting nurse
9 unless the registered nursing supervision and other protections for home visits have been
10 approved by the Board. Respondent shall not work in any other registered nursing occupation
11 where home visits are required.

12 Respondent shall not work in any health care setting as a supervisor of registered
13 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
14 nurses and/or unlicensed assistive personnel on a case-by-case basis.

15 Respondent shall not work as a faculty member in an approved school of nursing
16 or as an instructor in a Board approved continuing education program.

17 Respondent shall work only on a regularly assigned, identified and predetermined
18 worksite(s) and shall not work in a float capacity.

19 If Respondent is working or intends to work in excess of 40 hours per week, the
20 Board may request documentation to determine whether there should be restrictions on the hours
21 of work.

22 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
23 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
24 than six months prior to the end of her probationary term.

25 Respondent shall obtain prior approval from the Board before enrolling in the
26 course(s). Respondent shall submit to the Board the original transcripts or certificates of
27 completion for the above required course(s). The Board shall return the original documents to
28 Respondent after photocopying them for its records.

1 11. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

4 If during the period of probation, an accusation or petition to revoke probation has
5 been filed against Respondent's license or the Attorney General's Office has been requested to
6 prepare an accusation or petition to revoke probation against Respondent's license, the
7 probationary period shall automatically be extended and shall not expire until the accusation or
8 petition has been acted upon by the Board.

9 12. **License Surrender.** During Respondent's term of probation, if she ceases
10 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
11 probation, Respondent may surrender her license to the Board. The Board reserves the right to
12 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
13 take any other action deemed appropriate and reasonable under the circumstances, without
14 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
15 will no longer be subject to the conditions of probation.

16 Surrender of Respondent's license shall be considered a disciplinary action and
17 shall become a part of Respondent's license history with the Board. A registered nurse whose
18 license has been surrendered may petition the Board for reinstatement no sooner than the
19 following minimum periods from the effective date of the disciplinary decision:

20 (1) Two years for reinstatement of a license that was surrendered for any
21 reason other than a mental or physical illness; or

22 (2) One year for a license surrendered for a mental or physical illness.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 1/30/08.


SUZANN BEIHL SUTTON
Respondent


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: March 6, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

KAREN B. CHAPPELLE
Supervising Deputy Attorney General


KIMBERLEE D. KING
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2007601119
60255809.wpd

Exhibit A

Petition to Revoke Probation No. 2002-158

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JENNIFER S. CADY
Supervising Deputy Attorney General
3 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2581
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against:

12 SUZANN BEIHL SUTTON
13 247 S. Ribera Drive
Santa Barbara, CA 93111

14 Registered Nurse License No. 445759

15 Respondent.

Case No. **2002-158**

**PETITION TO REVOKE
PROBATION**

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
21 Probation solely in her official capacity as the Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about August 31, 1989, the Board of Registered Nursing issued
24 Registered Nurse License Number 445759 to Suzann Beihl Sutton (Respondent). The Registered
25 Nurse License was in effect at all times relevant to the charges brought herein and will expire on
26 October 31, 2008, unless renewed.

27 3. In a disciplinary action entitled "In the Matter of Accusation Against
28 Suzann Beihl Sutton," Case No. 2002-158, the Board of Registered Nursing, issued a decision,

effective September 23, 2003, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

TERMS OF PROBATION

6. Among the terms and conditions imposed by the Board in Case No. 2002-158, are:

Condition No. 3:

3. **Comply with the Board's Probations Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Condition No. 8:

8. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

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1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as
determined by the Board.

3 If Respondent has not complied with this condition during the probationary term,
4 and Respondent has presented sufficient documentation of her good faith efforts
5 to comply with this condition, and if no other conditions have been violated, the
Board, in its discretion, may grant an extension of Respondent's probation period
up to one year without further hearing in order to comply with this condition.

6 Condition No. 13

7 13. **Cost Recovery.** Respondent shall pay to the Board costs associated with
8 its investigation and enforcement pursuant to Business and Professions Code
9 Section 125.3 in the amount of \$8,012.25. Respondent shall be permitted to pay
these costs in a payment plan approved by the Board, with payments to be
completed no later than three months prior to the end of the probation term.

10
11 FIRST CAUSE TO REVOKE PROBATION

12 (Comply with the Board's Probation Program)

13 7. At all times after the effective date of Respondent's Probation Condition
14 No. 3 stated that Respondent shall fully comply with the terms and conditions of the probation
15 program and cooperate with representatives of the board in its monitoring and investigations of
16 Respondent's compliance with the probation program.

17 8. Respondent's probation is subject to revocation because she failed to
18 comply with Probation Condition No. 3, referenced above. The facts and circumstances
19 regarding this violation are as follows:

20 A. Due to illness and personal family commitments, Respondent has
21 failed to complete the work requirement of Probation Condition No. 8 prior to the end of her
22 probation term.

23 B. Respondent has failed to comply with Probation Condition No.13
24 by failing to pay all cost recovery no later than three months prior to the end of her probation
25 term.

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1 PRAYER

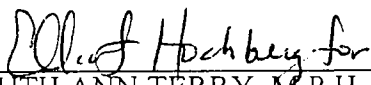
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2002-158 and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 445759 issued to Suzann Beihl Sutton;

7 2. Revoking or suspending Registered Nurse License No. 445759, issued to
8 Suzann Beihl Sutton;

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 8/11/07
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16 
17 RUTH ANN TERRY, M.P.H, R.N
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2002-158

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2002-158

SUZANN SUTTON AKA SUZANN BEIHL
247 S RIBERA DRIVE
SANTA BARBARA, CA 93111

Registered Nurse License No. 445759

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on SEPTEMBER 23, 2003.

It is so ORDERED AUGUST 22, 2003.

Landra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2562
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2002-158

12 SUZANN SUTTON aka SUZANN BEIHL
13 247 S RIBERA DRIVE
SANTA BARBARA, CA 93111

OAH No.

14 Registered Nurse License No. 445759

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Lorrie
23 M. Yost, Deputy Attorney General.

24 2. Suzann Sutton aka Suzann Beihl (Respondent) is representing herself in
25 this proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 31, 1989, the Board of Registered Nursing issued
27 Registered Nurse License No. 445759 to Suzann Sutton aka Suzann Beihl (Respondent). The

28 ///

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2002-158 and will expire on October 31, 2004, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2002-158 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on June 17, 2002. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2002-158 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations
11 in Accusation No. 2002-158. Respondent has also carefully read, and understands the effects of
12 this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2002-158.

25 9. Respondent agrees that her Registered Nurse License is subject to
26 discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition
27 of discipline as set forth in the Disciplinary Order below.

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any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each term and condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

2. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process. Respondent shall submit a recent 2" x 2" photograph of himself or herself within 45 days of the effective date of the final decision.

3. **Comply with Probation Program.** Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of Respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

4. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

5. **Residency or Practice Outside of State.** Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.

6. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the terms and conditions of the Board's

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1 Probation Program. Respondent shall immediately execute all release of information forms as
2 may be required by the Board or its representatives.

3 7. **Provide Decision** - Respondent shall provide a copy of this decision to the
4 nursing regulatory agency in every state and territory in which she has a registered nurse license.

5 8. **Function as a Registered Nurse.** Respondent, during the period of
6 probation, shall engage in the practice of registered nursing in California for a minimum of 24
7 hours per week for 6 consecutive months or as determined by the Board.

8 For purposes of compliance with the section, "engage in the practice of registered
9 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
10 work in any non-direct patient care position that requires licensure as a registered nurse.

11 The Board may require that advanced practice nurses engage in advanced practice
12 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
13 Board.

14 If Respondent has not complied with this condition during the probationary term,
15 and Respondent has presented sufficient documentation of her good faith efforts to comply with
16 this condition, and if no other conditions have been violated, the Board, in its discretion, may
17 grant an extension of Respondent's probation period up to one year without further hearing in
18 order to comply with this condition.

19 9. **Employment Approval and Reporting Requirements.** Respondent
20 shall obtain prior approval from the Board before commencing any employment, paid or
21 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
22 performance evaluations and other employment related reports as a registered nurse upon request
23 of the Board.

24 Respondent shall provide a copy of this decision to her employer and immediate
25 supervisor prior to commencement of any nursing or other health care related employment.

26 Respondent shall notify the Board in writing within seventy-two (72) hours after
27 she obtains any nursing or other health care related employment, when such employment is not
28 as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours

after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

10. **Supervision.** Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing any employment as a registered nurse.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

11. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-house nursing pool.

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Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

12. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

13. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$8,012.25. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 5/5/03


SUZANN SUTTON AKA SUZANN BEIHL
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: April 24, 2003

BILL LOCKYER, Attorney General
of the State of California

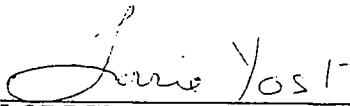

LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

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of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2562
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2002 - 158*

12 **SUZANN SUTTON, aka**
13 **SUZANN BEIHL**
247 B Ribera Drive
Santa Barbara, California 93111
14 Registered Nurse License No. 445759

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs.

22 2. On August 31, 1989, the Board issued registered nurse license number
23 445759 to Suzann Sutton, also known as Suzann Beihl ("respondent"). The license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,
25 2002, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Section 2761 of the Code states, in pertinent part, that the board may take
4 disciplinary action against a certified or licensed nurse for any of the following:

5 (a) Unprofessional conduct, which includes, but is not limited to,
6 the following:

7 (1) Incompetence, or gross negligence in carrying out usual certified
8 or licensed nursing functions.

9 5. Title 16, California Code of Regulations ("CCR"), section 1443, states:

10 As used in Section 2761 of the code, "incompetence" means the lack
11 of possession of or the failure to exercise that degree of learning, skill, care
12 and experience ordinarily possessed and exercised by a competent registered
nurse as described in Section 1443.5.

13 6. Title 16, CCR section 1443.5 states, in pertinent part, as follows:

14 A registered nurse shall be considered to be competent when he/she
15 consistently demonstrates the ability to transfer scientific knowledge from
16 social, biological and physical sciences in applying the nursing process,
as follows:

17 (1) Formulates a nursing diagnosis through observation of the
18 client's physical condition and behavior, and through interpretation of
information obtained from the client and others, including the health team.

19 * * * *

20 (5) Evaluates the effectiveness of the care plan through observation
21 of the client's physical condition and behavior, signs and symptoms of illness,
22 and reactions to treatment and through communication with the client and
health team members, and modifies the plan as needed.

23 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
24 request the administrative law judge to direct a licensee found to have committed a violation or
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
26 and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 8. Respondent is subject to disciplinary action under Code section 2761(a) on
4 the grounds of unprofessional conduct in the following respects:

5 **Patient Dustin V.**

6 a. Respondent submitted documentation to her employer, Able Home Health
7 Services, falsely indicating that she had performed supervisory visits on September 14, 1998, and
8 October 5, 1998, at the home of Patient Dustin V., and had conducted a skilled nursing
9 assessment of the patient, a "developmentally delayed" child who was receiving care provided by
10 licensed vocational nurses employed by the agency.

11 b. Respondent submitted documentation to her employer falsely indicating
12 that she had performed a supervisory visit in person on November 5, 1998, at the home of Patient
13 Dustin V., when, in fact, respondent performed the visit and nursing assessment of the patient by
14 telephone.

15 **Patient William M.**

16 c. Respondent submitted documentation to her employer falsely indicating
17 that she had performed a supervisory visit on November 5, 1998, at the home of Patient William
18 M., and had conducted a skilled nursing assessment of the patient, a "developmentally delayed"
19 child who was receiving care provided by licensed vocational nurses employed by the agency.

20 **Patient Tony E.**

21 d. Respondent submitted documentation to her employer falsely indicating
22 that she had performed a supervisory on November 4, 1998, at the home of Patient Tony E., and
23 had conducted a skilled nursing assessment of the patient, a "developmentally delayed" child
24 who was receiving care provided by licensed vocational nurses employed by the agency.

25 **SECOND CAUSE FOR DISCIPLINE**

26 (Incompetence)

27 9. Respondent is subject to disciplinary action under Code section 2761(a)(1)
28 on the grounds of unprofessional conduct, in that while employed as a registered nurse by Able

1 Home Health Services, Los Angeles County, California, respondent was guilty of incompetence
2 in the care of Patients Dustin V., William M., and Tony E., within the meaning of Title 16, CCR
3 section 1443, in the following respects:

4 **Patient Dustin V.**

5 a. Respondent failed to perform supervisory visits on September 14, 1998,
6 and October 5, 1998, at the home of Patient Dustin V., and conduct a physical assessment and
7 provide a nursing diagnosis of the patient, a "developmentally delayed" child who is bed and
8 wheelchair bound, and who requires 24-hour supervision, gastrostomy tube feedings, medication
9 administration and total personal care.

10 b. Respondent performed a supervisory visit of Patient Dustin V. by
11 telephone on November 5, 1998, rather than perform an actual home visit, and failed to conduct a
12 physical assessment of the patient in person.

13 **Patient William M.**

14 c. Respondent failed to perform a supervisory visit on November 5, 1998, at
15 the home of Patient William M., and conduct a physical assessment and provide a nursing
16 diagnosis of the patient, a "developmentally delayed" child requiring tracheostomy care.

17 **Patient Tony E.**

18 d. Respondent failed to perform a supervisory visit on November 4, 1998, at
19 the home of Patient Tony E., and conduct a physical assessment and provide a nursing diagnosis
20 of the patient, a "developmentally delayed" child requiring respite nursing care for three to four
21 hours per day.

22 **PRAYER**

23 **WHEREFORE**, Complainant requests that a hearing be held on the matters
24 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending registered nurse license Number 445759, issued
26 to Suzann Sutton, also known as Suzann Beihl;

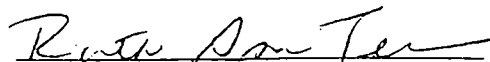
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1 2. Ordering Suzann Sutton, also known as Suzann Beihl, to pay the Board of
2 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 6/12/2002

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8 
9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant
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